

पावती क्र.

नोंदणी ३९ म.
Regn. 39 m.

दस्तावेजाचा/बन्नांचा अनुक्रमांक १७७७११२

दिनांक २६ डिसेंबर सन २०१२

दस्तावेजाचा प्रकार-

शोध अर्ज

सादर करणाराचे नाव-

डॉ. एस. पी. चिपळूण

खालीलप्रमाणे फी मिळाली:-

श. चिपळूण

नोंदणी फी

मोजे दळवणे

नक्कल फी (फोलिओ)

पृष्ठांकनाची नक्कल फी

टपालखर्च

नकला किंवा ज्ञापने (कलम ६४ ते ६७)

शोध किंवा निरीक्षण

दंड-कलम २५ अन्वये

कलम ३४ अन्वये

प्रमाणित नकला (कलम ५७) (फोलिओ)

इतर फी (मागील पानावरील) बाब क्र.

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(आमचे पन्नाळ रु.मज)

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७५०	००

दस्तावेज

नक्कल

रोजी तयार होईल व

नोंदणीकृत डाकेने पाठवली जाईल.

या कार्यालयात देण्यात येईल.

दुय्यम निबंधक.

दस्तावेज खाली नाव दिलेल्या व्यक्तीच्या

नावे नोंदणीकृत डाकेने पाठवावा.

हवाली करावा.

दुय्यम निबंधक
श्रेणी - १ चिपळूण

Sudhir P. Chitale

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DIST. RATNAGIRI. TEL.: (02355) 252246, M - 9423047646

31/12/2012

TO WHOM SO IT MAY CONCERN

Dear Sir,

Subject : Title Opinion on the property situated at Village Dalwatne, Taluka Chiplun, District Ratnagiri & within the limits of Dalwatne Grampanchayat.

At the request of the concerned party, I on the basis of original title deed forwarded to me pertaining to the immovable property and the information submitted by concerned party, have conducted a detailed search report and investigation & submit my report as under :

Name and Address of the titleholder :

Mr. Manohar Ramchandra Shinde, R/O. Village Moravane, Taluka Chiplun, District Ratnagiri

Title Deeds in original seen by me :

- 1) Registered Agreement for sale, dated 7/12/2010
- 2) Registered Sale deed, dated 5/6/2012

Description of immovable property :

Gat No.	Sub-Division	Area H.-R.-P.	Assessment Rs.Ps.
1380	2	0-39-4	0.90

It is an agricultural piece of land.

Along with all Rights, Title & Interest therein. The landed property is bounded as under :

On the East	:	Gat No. 1382
On the West	:	Gat No. 1372

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On the South	:	Gat No. 1381
On the North	:	Gat No. 1379 & 1383

It is within the limit of Dalwatne, Tahasil Chiplun, District Ratnagiri.

DOCUMENTS RELIED UPON :

All the relevant documents of title and other relevant documents were placed before me for my consideration. They were in the form of original/certified copies/true copies documents. I have verified and tallied these documents from the Records of Registrar of documents or from the records of appropriate authority. They are as under :

Sr. No.	Type and nature of Documents	Original/certified copy
1)	7x12 extracts of the concerned lands	True Copy
2)	Relevant Mutation Entries	True Copy
3)	Khata Extracts	True Copy
4)	Extract from Consolidation Office	True Copy
5)	Map from T.I.L.R., Chiplun	True Copy

ORAL INFORMATION :

The requisite and necessary information was collected and gathered from the interrogatories administered to the concerned party.

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SPECIAL OBSERVATIONS :

The observations and findings contained in the report are based on the documents supplied to me and the information given by the concerned party. It primarily and mainly covers the period of 30 years.

I have personally inspected the original document submitted to me. It is properly executed and stamped. It is legal and valid document.

RESULT OF THE SEARCH :

I have taken the search of records of Sub-Registrar's office at Chiplun from Inspection Book No. I, Index No. II and other relevant records from last thirty years by paying the necessary search fee of Rs. 750/-, vide receipt No. 00442¹¹, dated 26/10/2012. The original search fee receipts are enclosed herewith.

Nothing objectionable has transpired or revealed during Search operation.

JOURNEY OF TITLE AND ITS MODE OF ACQUISITION :

At the outset, it is necessary to mention that landed property under consideration is admeasuring 0-39-4 & is a part of the landed property comprised in Gat No. 1380, admeasuring 0-78-9 H.R.P.

It is further pertinent to note that the said Gat No. 1380 is formed of Survey No. 94, Hissa No. 0. The revenue record makes

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us to know that the landed property under consideration was owned by one Mr. Anant Kashiram Shetye and Mr. Chintaman Kashiram Shetye. The record further reveals that 1/2 portion (8 Annas share) was in actual possession of one Mr. Tukaram Yesu Gamre as a Tenant & the remaining 1/2 portion was in actual cultivation of Anant Kashiram Shetye. Mr. Tukaram Yesu Gamre was a Tenant & possession of said portion on 1/4/1957. Therefore he became "Deemed Purchaser" in eye of law. Proceeding under Section 32-G was conducted by revenue authority in year 1962 & land came to be sold in his favour. Certificate under Section 32-M was issued in favour of Mr. Tukaram Yesu Gamre. Mutation Entry No. 29 speaks of this aspect. This aspect of co-ownership is also reflected in certificate issued by Consolidation Office. After the sale of land under the Bombay Tenancy and Agricultural Lands Act 1948 the land assumed the character of "Restricted Land Tenure".

After the demise of Tukaram Yesu Gamre the heirship enquiry was conducted by the revenue authority & names of his wife Sakhubai & daughter Sunita Madhukar Mohite were introduced by revenue authority vide Mutation Entry No. 454 & 645. Mutation Entry No. 723 makes us to know that Sakhubai Tukaram Gamre died intestate on 20/3/1991. The heirship enquiry was conducted by revenue authority. She had no son & therefore her sole legal heir, her daughter Sunita Madhukar Mohite, the sole successor to undivided 1/2 share of Sakhubai became exclusive owner of the same. This legal incident resulted

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in conferring exclusive title in favour of Smt. Sunita Madhukar Mohite, with respect to the landed property under consideration.

Recent Development :

Smt. Sunita Madhukar Mohite owner of the 1/2 land out of Gat No. 1380 i.e. the landed property under consideration entered into an Agreement for sale with Mr. Manohar Ramchandra Shinde on 7/12/2010. By this agreement she agreed to sell the landed property under consideration along with other parcels of land for Rs. 3,50,000/-. The agreement was duly executed & registered. It was duly registered at Serial No. 3947/2010 in the office of Sub-Registrar, Chiplun. Thereafter requisite permission for sale was obtained from the office of S.D.O., Chiplun on 9/5/2011. It is bearing No. Tenancy/SR/28/2011. This order was valid upto 9/11/2011. However, the sale deed was not executed within stipulated period. The concerned parties thereafter got the period extended upto 29/8/2012 vide the order from S.D.O., Chiplun, dated 29/5/2012 & bearing No. Tenancy SR/38/2011. Thereafter a sale deed came to be executed by Sunita Madhukar Mohite in favour of Mr. Manohar Ramchandra Shinde on 5/6/2012. It is registered at Serial No. 2292/2012 in the office of Sub-Registrar, Chiplun. Thus, on the strength of this twin set of document Mr. Manohar Ramchandra Shinde became owner & occupant of the same. His name as titleholder came to be introduced in revenue record vide Mutation Entry 1395.

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Having regard to the discussion above I hereby opined that Mr. Manohar Ramchandra Shinde has got clear & marketable title to the landed property.

Special observation :

The net result of this development was that Gat No. 1380 came to be divided into 2 parts. That part of the landed property which was purchased by Mr. Shinde was allotted description as Gat No. 1380(2) and that the remaining part which was retained by Shetye was allotted description as Gat No. 1380(1).

FINDINGS AND OBSERVATIONS :

My findings and observations are based on the available information and documents supplied to me. They are as under :

- 1) I am satisfied that the landed property is heritable and transferable and the transferors had right to transfer.
- 2) The purchaser of the landed property under consideration and his successors or his predecessor-in-title has not entered into or executed any agreement or writing for the benefit of the Government, the Grampanchayat or any Public or Private Body or Corporation affecting the property or any interests therein. There is no claim against the property under consideration for right of way, right of occupation, right of maintenance, right of residence or right of easement. There is no restrictive covenant affecting the property. The purchaser of the landed property and his successor-in-interest of the

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landed property has not any time before this entered into any agreement of sale, mortgage or lease of the property or any part thereof.

- 3) No notice has been issued so far or served upon the purchaser of the landed property and his successor-in-interest for acquisition, requisition or otherwise for any purpose whatsoever in respect of the landed property under consideration. There is no claim which may adversely affect the landed property under consideration. The landed property under consideration is not similarly subject to any attachment or process of Court. I have also confirmed from Government and Public Land Acquisition Authorities that the property under consideration is not the subject matter of any acquisition.
- 4) No drainage, sewer, water pipe or gas pipe of any adjoining landed property passes through or under the landed property which is the subject matter of the present Search Report. The property under consideration is not subject to any nuisance. There are no easements, quasa easements, restrictive covenants, water courses or other rights or servitude affecting the property. There are no circumstances indicating or even suggesting any cloud on the title of the purchaser of the landed property or his successor-in-interest of the property and his successors.

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- 5) The purchasers of the landed property and their successor-in-interest of the landed property have not received any notice under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act 1961. The property under consideration has not been reserved for public purpose by State Government or Central Government. The property under consideration or any portion thereof has not been notified under the Land Acquisition Act for public purpose.
- 6) It has been ascertained from the Civil Court having pecuniary and territorial jurisdiction that :
- A) No receiver has been appointed with respect to the property under consideration.
- B) There is no injunction order in connection with the property or against the owner.
- C) There is no money suit pending, affecting the title of the owner.
- D) There is no proceeding pending in any Court or before any authority for realization of arrears of revenue, rent, local dues etc. in respect of the property or against the owner.
- 7) There is no proceeding pending in the Court of Executive Magistrate under Section 145 of Criminal Procedure Code involving the property under consideration or any order

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under Section 146 attaching the property under consideration.

- 8) There is no proceeding pending in the office of Tahasildar or A.L.T. pertaining to the property in question.
- 9) There are no Government dues. There is complete payment of land revenue and other charges.
- 10) The landed property under consideration does not fall within the clutches of Agricultural Land (Ceiling on Holding) Act 1961.

CONCLUSION :

Having regard to the discussion above I, hereby, opine that :

- 1) Revenue Record discloses proper effect of change of ownership in sequence.
- 2) The conveyance under consideration contains all the necessary and requisite recitals to convey the Right, Title and Interest and also includes an important aspect of reimbursement clause.
- 3) No encumbering transaction in any nature is found to have been registered during the search period in the record of registration Authority.
- 4) No third party claim, right, interest, easement, charge were found in the Revenue Record.

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5) Mr. Manohar Ramchandra Shinde has acquired clear & marketable title to the landed property under consideration.

6) His title to the landed property under consideration is not susceptible to or prone to any legal defect or flaw. It is clear, unambiguous. The property is saleable.

There is no charge or encumbrance of any kind and in any form on the same. It is free from all encumbrances.

The owner of the property under consideration is in exclusive possession of the property proposes to be mortgaged.

The original deed was made available to me. It is scrutinized by me. It is duly executed/stamped and registered. There is no doubt/suspicion as to its existence & genuineness.

CERTIFICATE

I hereby certify that, I have personally searched and verified the information furnished in this report. The statements and other information given in the report are correct and true. I certify that Mr. Manohar Ramchandra Shinde has got a valid, clear, absolute & marketable title over the property shown above.

(S.P. Chitale)

(S.P. Chitale)

Advocate,

Chiplun

Sudhir P. Chitale

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